

## REMARKS

In the Office Action mailed on September 21, 2004 by the United States Patent and Trademark Office, the Examiner allowed claims 1-16 and rejected claims 23-28. No claims have been amended, cancelled, or added by way of this Response. After entry of this response, claims 1-16 and 23-28 remain in the above-identified patent application. Reconsideration is respectfully requested in light of the following remarks. The following remarks are believed to be fully responsive to the Office Action mailed on September 21, 2004.

I. REJECTIONS UNDER 35 U.S.C. §103(a)

The Examiner rejected claims 23 and 25-27 under 35 U.S.C. §103(a) as being unpatentable over U.S. patent no. 4,143,369 as issued to Ayers on March 6, 1979 (hereinafter referred to as "Ayers") in combination with U.S. patent no. 6,107,920 as issued to Eberhardt et al on August 22, 2000 (hereinafter referred to as "Eberhardt") or U.S. patent no. 6,069,564 as issued to Hatano et al on May 30, 2000 (hereinafter referred to as "Hatano"). In addition, the Examiner rejected claim 24 under 35 U.S.C. §103(a) as being unpatentable over Ayers in combination with Eberhardt or Hatano in combination with U.S. patent no. 3,805,265 as issued to Lester on April 16, 1974 (hereinafter referred to as "Lester"). Furthermore, the Examiner rejected claim 28 as being unpatentable over Ayers in combination with Eberhardt or Hatano in combination with U.S. patent no. 4,636,950 as issued to Caswell et al on January 13, 1987 (hereinafter referred to as "Caswell"). Applicant respectfully traverses these rejections.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify a reference or to combine the teachings of multiple references. Second, there must be a reasonable expectation of success. Third, the prior art must teach or suggest all of the recited claim limitations. Of course, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. Applicant respectfully submits that the Examiner has not met the basic criteria, and any teaching or suggestion to make the claimed combination was not found in the prior art.

For example, the Examiner support of the rejections of claims 23-28 acknowledges that Ayers lacks the antennas formed on a flexible substrate. However, the Examiner's

support for the cited reference combination(s) to supply the lacking element is limited to a statement that Eberhardt discloses an analogous art RFID tag with antennas and formed on a substrate. It is respectfully submitted that even assuming *arguendo* that Eberhardt discloses an analogous art RFID tag with antennas and formed on a substrate, the Examiner has failed to provide a suggestion or motivation within the references that suggests or motivates modification or combination.

The Applicant respectfully submits that without some suggestion or motivation to modify or combine the teachings of Ayers, Eberhardt, Hatano, Lestor, or Caswell, the Examiner has failed to establish a prima facie case of obviousness. The Examiner provides no teaching or suggestion from the cited references to modify or combine these references. Rather, it is respectfully submitted that any such teaching or suggestion is improperly found with the teachings of the Applicant's disclosure. Accordingly, unless such teaching or suggestion can be found with the teaching of the prior art, the Applicant respectfully submit the obviousness rejections are improper and requests the Examiner withdraw the rejections of claims 23-28 under 35 U.S.C. §103(a).

## II. CONCLUSION

Applicant respectfully submits that the above-identified application is in condition for allowance and the Applicant therefore earnestly requests such allowance. Should the Examiner have any questions or wish to discuss the foregoing response, Applicant requests that the Examiner contact the undersigned at (480) 385-5060.

If for some reason Applicant have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,



Timothy J. Lorenz  
Registration No. 41,954

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Ingrassia, Fisher & Lorenz, P.C.  
Customer No. 29906